

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

CASE NO. 1:21-cv-1776-PAB

- - -

JOHN NOAKES,

Plaintiff,

-vs-

CASE WESTERN RESERVE UNIVERSITY,

Defendant.

- - -

Deposition of DARNELL PARKER, Ed.D., a

witness herein, via Zoom videoconferencing, taken by the Plaintiff as upon cross-examination and pursuant to the Federal Rules of Civil Procedure and Notice and agreement of counsel as to time and place and stipulations hereinafter set forth, on Wednesday, November 24, 2021, at 2:03 p.m., before Pamela L. Jackson, a Notary Public within and for the State of Ohio.

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Witness:

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DARNELL PARKER, Ed.D.

Cross-Examination  
By Mr. Engel, Esq.

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Plaintiff's Exhibit No.:

Page Marked:

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(Case Western Reserve University Interim Sexual  
Harassment Policy And Procedures For All  
Faculty, Students, Employees, And Third Parties)

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## APPEARANCES:

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## STIPULATIONS

It is stipulated by and between counsel

for the respective parties that the deposition of DARNELL PARKER, Ed.D., a witness herein, called as upon cross-examination by the Plaintiff, may be taken at this time and place pursuant to the Federal Rules of Civil Procedure and Notice and agreement of counsel as to time and place of taking said deposition; that the deposition was recorded in stenotypy by the court reporter, Pamela L. Jackson, and transcribed out of the presence of the witness; and that said deposition is to be submitted to the witness for his examination and signature, and that signature may be affixed out of the presence of the Notary Public.

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1 DARNELL PARKER, Ed.D.,  
 2 of lawful age, a witness herein, being first duly  
 3 sworn as hereinafter certified, was examined and  
 4 deposed as follows:  
 5 CROSS-EXAMINATION  
 6 BY MR. ENGEL:  
 7 Q Would you please state and spell  
 8 your name?  
 9 A My name is Darnell Parker,  
 10 D-a-r-n-e-l-l, last name P-a-r-k-e-r.  
 11 Q Where are you currently employed?  
 12 A I am currently employed at  
 13 Wheaton College.  
 14 Q And how long have you been employed  
 15 there?  
 16 A Four months.  
 17 Q Were you employed at Case Western  
 18 before that?  
 19 A Yes.  
 20 Q What were your job duties at  
 21 Case Western?  
 22 A At Case Western Reserve University  
 23 I was the Senior Associate Vice President for Equity.  
 24 Q And what did that job entail?  
 25 A I oversaw the sexual harassment

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1 policy and regulations at the college as well as all  
 2 other forms of discrimination and harassment.  
 3 Q How long did you hold that  
 4 position?  
 5 A I held that position since -- I  
 6 want to say 2020. I could be wrong. Well, that  
 7 position, yes, since 2020.  
 8 Q Since you no longer work for  
 9 Case Western is Ms. Quan and her law firm representing  
 10 you in this matter?  
 11 A Excuse me. Can you repeat that  
 12 again?  
 13 Q Are you represented by Amanda and  
 14 her law firm?  
 15 A Yes, I am.  
 16 Q Okay. So if we need to serve you  
 17 with any papers can we send it to -- to counsel?  
 18 A That is correct.  
 19 Q Okay. If that relationship ends  
 20 will you let us know so that we will know how to get  
 21 in touch with you if we need to?  
 22 A I will make sure I consult with  
 23 Ms. Quan.  
 24 MR. ENGEL: And, Amanda, that's  
 25 okay with you? You'll accept any service of

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1 anything that we need to send to him?  
 2 MS. QUAN: Yes.  
 3 MR. ENGEL: Thank you.  
 4 BY MR. ENGEL:  
 5 Q Before we begin I -- I like to  
 6 remind people of a couple different things: First are  
 7 you familiar with the matter that brings you here  
 8 today?  
 9 A Can you be specific?  
 10 Q Well, I try -- We try to avoid  
 11 putting student names in the record, so I just want to  
 12 make sure you understand the students that we're  
 13 talking about here today?  
 14 A And again I ask you can you be  
 15 specific?  
 16 MR. ENGEL: Let's go off the  
 17 record.  
 18 (Off-the-record discussion.)  
 19 MR. ENGEL: Okay. Let's go back on  
 20 the record.  
 21 BY MR. ENGEL:  
 22 Q So we discussed off the record the  
 23 students involved. As I indicated we try not to put  
 24 student names in the record, so if I refer to the male  
 25 student as John Noakes and the female student as

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1 Jane Roe you understand who we're talking about?  
 2 A That's correct.  
 3 Q Okay. And are you comfortable  
 4 using those names instead of the real names of the  
 5 students?  
 6 A Yes.  
 7 Q Okay. I tell everyone there's no  
 8 punishment if you make a mistake or if I make a  
 9 mistake. We have got an agreement that we can just  
 10 change or redact the record if necessary. Is that  
 11 okay with you?  
 12 A That's okay with me.  
 13 Q I will do my best -- Well, back up.  
 14 Have you ever been deposed before?  
 15 A Yes.  
 16 Q How many times?  
 17 A Once.  
 18 Q And what was the reason for that?  
 19 A It had to do with something at  
 20 CWRU.  
 21 Q What particularly did it have to  
 22 deal with?  
 23 A It had to deal with a case that  
 24 occurred prior to my arrival at CWRU.  
 25 Q What kind of case was it?

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1 A Title IX, I believe.  
 2 Q Was it a case about the manner in  
 3 which Case Western handled Title IX investigations?  
 4 A I don't remember. It was a long  
 5 time ago.  
 6 Q Okay. What do you remember about  
 7 the -- the case?  
 8 A Again I really don't remember.  
 9 Q Okay. Having been in a deposition  
 10 before -- And I'm -- I'm sure you have been well  
 11 prepared by counsel -- you probably understand the  
 12 drill here.  
 13 A couple of things I like to go  
 14 over: First is I will do my best to ask clear and  
 15 concise questions, but I don't always succeed in that  
 16 task, so I would ask you if you don't understand any  
 17 question I ask to please ask me to clarify and I will  
 18 do so. Are you comfortable doing that?  
 19 A Yes, sir.  
 20 Q All your answers need to be verbal,  
 21 so those normal human reactions of shaking your head,  
 22 nodding your head, gesturing with your hands, can't be  
 23 picked up by our court reporter. Are you comfortable  
 24 with making sure all your answers are verbal?  
 25 A Yes.

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1 Q We're conducting this deposition  
 2 over Zoom which is a wonderful technology, but  
 3 occasionally there is a delay in the Internet or  
 4 something like that, and so it may be that we will  
 5 talk over each other. I will apologize in advance if  
 6 I do so. I'd ask that you let me know if you haven't  
 7 had a chance to fully answer your questions and we  
 8 will give you a chance to do so; okay?  
 9 A Thank you.  
 10 Q Finally I tell everyone that this  
 11 is not a hostage situation, so if you feel that you  
 12 need to take a break at any time please let us know  
 13 and we will do our best to accommodate that. The only  
 14 thing I would ask is that if there's a question  
 15 pending or a line of questions pending we finish that  
 16 up and then we'll take our break; fair enough?  
 17 A Sounds cool.  
 18 Q Do you have any questions before we  
 19 begin?  
 20 A I do not.  
 21 Q Okay. So are you familiar with the  
 22 Case Western Title IX policies that were in effect in  
 23 April of 2021?  
 24 A Yes.  
 25 Q Did those policies prohibit

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1 retaliation against students involved in the Title IX  
 2 process?  
 3 A The policy outlines what is  
 4 prohibited by the University.  
 5 Q And so what is prohibited by the  
 6 University in terms of retaliation, if you remember?  
 7 A I would have to see the policy. I  
 8 don't remember.  
 9 Q Okay. Let's do this. Let's mark  
 10 that as Exhibit 33.  
 11 (Plaintiff's Exhibit 33 was marked  
 12 for identification.)  
 13 BY MR. ENGEL:  
 14 Q I'm showing you a document titled  
 15 "Interim Sexual Harassment Policy And Procedures For  
 16 All Faculty, Students, Employees, And Third Parties  
 17 Case Western Reserve University," and note this was  
 18 filed in this case as Document No. 1-3.  
 19 MS. QUAN: Josh, I -- I don't --  
 20 MR. ENGEL: You can't see it yet  
 21 because I haven't hit Share Screen.  
 22 MS. QUAN: All right.  
 23 MR. ENGEL: There we go. Now you  
 24 should be able to see that document which I  
 25 just described.

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1 BY MR. ENGEL:  
 2 Q Are you able to do so?  
 3 A Yes.  
 4 Q Okay. And is this the policy that  
 5 was in effect at the -- at the time of April, 2021?  
 6 A I believe so.  
 7 Q If we turn to Page 22 there's a  
 8 section on Retaliation. Is that what you were  
 9 referring to a couple moments ago?  
 10 A I would like a chance to read it if  
 11 you don't mind.  
 12 Q Take your time. Let me know when  
 13 you're ready.  
 14 Are you ready?  
 15 A Yes.  
 16 Q Let me first -- first ask you about  
 17 protected activity by students. Is participating in  
 18 the Title IX process protected activity?  
 19 A It is --  
 20 MS. QUAN: Objection.  
 21 A -- yes.  
 22 MR. ENGEL: Do you want to explain,  
 23 Amanda?  
 24 MS. QUAN: I'm so sorry. Darnell,  
 25 you can still continue to answer unless I

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1 instruct you not to, and sorry for cutting  
2 you off there.

3 A No. I was going to ask can he  
4 repeat the question? He was going in and out. I  
5 apologize.

6 MR. ENGEL: Pam, can you read it  
7 back, please.

8 (Question on Page 12, Lines 16  
9 through 18, was read back by the  
10 reporter.)

11 BY MR. ENGEL:

12 Q All right. Let's start over.  
13 Is participating in the Title IX  
14 process considered to be protected activity?

15 MS. QUAN: Objection.

16 Q You can answer.

17 A What is written in the policy and  
18 federal law would answer that question, so whatever is  
19 written under federal law.

20 Q I want to know your understanding.  
21 What -- What is your understanding of the policy?

22 A My understanding of the policy is  
23 that the federal government wrote that if someone  
24 participates in a protected activity under the  
25 Title IX it is a protected activity.

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1 Q So if a student defends themselves  
2 against allegations that they committed misconduct is  
3 that considered to be protected activity?

4 MS. QUAN: Objection.

5 A The individual needs to file a  
6 complaint with the University and we will investigate  
7 according to what's outlined in the Interim Sexual  
8 Harassment Policy.

9 MR. ENGEL: Pam, can you please  
10 read the question back and maybe Dr. Parker  
11 can answer it this time?

12 (Question on Lines 1 through 3 was  
13 read back by the reporter.)

14 A Again --

15 MS. QUAN: Objection. Sorry.

16 A Again if a student files a  
17 complaint with the office we will look into it based  
18 on what's outlined in the Interim Sexual Harassment  
19 Policy.

20 Q Your job is --

21 A It's not our job to determine what  
22 you're asking me in that question.

23 Q Your job is to enforce this policy;  
24 correct?

25 A My job is to enforce any policy at

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1 the University as an employee.

2 Q And that includes specifically  
3 Exhibit 33; right?

4 A Is this Exhibit 33?

5 Q This is Exhibit 33, yes.

6 A That's correct.

7 Q And particularly your job as --  
8 You -- You were specifically -- Let me back up.

9 In particular you were hired to  
10 enforce this policy; right?

11 MS. QUAN: Objection.

12 A I was hired to be the Title IX  
13 Coordinator for Case Western Reserve University.

14 Q And as the Title IX Coordinator it  
15 was your job to implement and enforce the Title IX  
16 policy that we have marked as Exhibit 33; right?

17 A That's correct.

18 Q In order to do your job you had to  
19 understand what this policy meant; correct?

20 A Yes.

21 Q So I'm asking you if a student  
22 defends themselves against allegations of sexual  
23 misconduct have they engaged in protected activity?

24 MS. QUAN: Objection.

25 A And again, as I stated, if someone

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1 brings a complaint to my office we will investigate it  
2 according to this policy.

3 MR. ENGEL: Amanda, if this witness  
4 is not -- It's late on a Wednesday afternoon  
5 before the holiday. If the witness is not  
6 going to answer the question we'll just go  
7 get an order from the judge and we'll suspend  
8 the deposition and -- and go forward.

9 I feel like the witness is being  
10 nonresponsive and evasive, and I don't know  
11 if you want to take a few minutes to talk to  
12 him or how you want to handle this, but I'm  
13 not going to spend -- I'm not going to spend  
14 three hours on the night before a holiday  
15 dealing with a witness who refuses to answer  
16 simple questions.

17 MS. QUAN: Okay. I can certainly  
18 talk to him, but I mean I think he has  
19 answered the question. If you ask him under  
20 the policy I think that's a different  
21 question.

22 MR. ENGEL: I asked -- I am asking  
23 under the policy and he keeps saying, "We'll  
24 enforce the policy," but that's  
25 nonresponsive. I'm asking him his

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1 understanding of the policy.

2 MS. QUAN: Okay.

3 MR. ENGEL: Why don't you talk to  
4 him -- Why don't you talk to him. We'll go  
5 off the record. Why don't you talk to him  
6 and we'll come back and see if we're able to  
7 continue this deposition or not; okay?

8 MS. QUAN: All right.

9 MR. ENGEL: All right. We're off  
10 the record.

11 (Deposition stood in recess at

12 2:19 p.m.)

13 (Deposition reconvened at

14 2:21 p.m.)

15 BY MR. ENGEL:

16 Q Okay. Sir, I am asking you about  
17 your understanding of the Title IX policy at  
18 Case Western while you were there -- Do you understand  
19 that?

20 A Yes, I do.

21 Q Okay. Is it your understanding of  
22 the policy that a student engages in protected  
23 activity if they defend themselves during a Title IX  
24 investigation?

25 A Can you -- Can you share with me

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1 what you mean by "defend"?

2 Q Are you familiar with the term  
3 "defend", what it means?

4 A I am not familiar in the way you're  
5 using it. I am really trying to answer --

6 Q It's a common --

7 A -- your question.

8 Q -- English definition.

9 A Can you repeat the question again?

10 MR. ENGEL: Pam, can you read it  
11 back, please?

12 (Question on Page 17, Lines 21  
13 through 24, was read back by the  
14 reporter.)

15 A If you're asking me if a student  
16 has the right to say what they want to say as a part  
17 of a Title IX process then that is correct.

18 Q Okay. And is that considered to be  
19 protected -- protected activity under Section N of the  
20 Case Western Title IX policy?

21 A Can you say that again?

22 MR. ENGEL: Pam, can you read it  
23 back again, please?

24 (Question on Lines 18 through 20  
25 was read back by the reporter.)

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1 A Yes, unless it falls in the third  
2 paragraph which says it makes an attempt to make an  
3 adverse action by intimidating, threatening, coercing,  
4 harassing, or discriminating against any individual  
5 for the purpose of interfering with any right or  
6 privilege secured by our policy because the individual  
7 has made a report or complaint, testified, assisted,  
8 participated, or refused to participate in any manner  
9 in an investigation, proceeding, or hearing under this  
10 policy and procedure.

11 Q So are you saying that a person by  
12 defending themselves against allegations they have  
13 committed misconduct may be intimidating, threatening,  
14 coercing, harassing another person?

15 MS. QUAN: Objection.

16 A I am not saying that.

17 Q Well, how would that work? Give me  
18 an example of a situation where a person who is  
19 defending themselves against an allegation that they  
20 committed misconduct is not engaging in protected  
21 activity?

22 MS. QUAN: Objection.

23 A Again people can say what they  
24 freely will under the Title IX process, but for any  
25 individual, whether it's the Complainant or

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1 Respondent, if the information causes an adverse  
2 action as outlined in this policy, even though it's  
3 protected activity as the policy states, it could be  
4 prohibited.

5 Q What is an adverse action?

6 A An adverse action is anything that  
7 interferes with the process of the individual from  
8 obtaining their education at the institution.

9 Q Are students allowed to criticize  
10 the Case Western Title IX process?

11 MS. QUAN: Objection.

12 A Yes.

13 Q Is that considered to be protected  
14 activity?

15 THE WITNESS: Excuse me for a  
16 minute. My apologies.

17 MS. QUAN: Bless you.

18 THE WITNESS: Sorry. Allergies.

19 A Can you repeat the question?

20 MR. ENGEL: Can you repeat it,  
21 please, Pam?

22 (Question on Lines 13 and 14 was  
23 read back by the reporter.)

24 A Yes.

25 Q Is it proper to discourage someone

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1 from filing a Title IX complaint?  
 2 MS. QUAN: Objection.  
 3 A It is not.  
 4 Q Is it proper to encourage someone  
 5 to drop a Title IX complaint?  
 6 MS. QUAN: Objection.  
 7 A Can you repeat that again?  
 8 MR. ENGEL: Can you repeat the  
 9 question, please, Pam?  
 10 (Question on Lines 4 and 5 was read  
 11 back by the reporter.)  
 12 A No.  
 13 Q Would that be considered to be  
 14 retaliatory behavior?  
 15 MS. QUAN: Objection.  
 16 A I -- I can't say.  
 17 Q Why do you say it's improper then?  
 18 A Because the law states under the  
 19 Department of Education you shouldn't discourage  
 20 anyone from making a complaint or dropping a  
 21 complaint.  
 22 Q So if someone said to a student,  
 23 "You need to not make your own Title IX report," would  
 24 that be proper?  
 25 MS. QUAN: Objection.

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1 A Can you be specific when you say  
 2 "someone"?  
 3 Q Yeah.  
 4 If someone said to John Noakes that  
 5 he shouldn't file a Title IX complaint against  
 6 Jane Roe would that have been proper?  
 7 MS. QUAN: Objection.  
 8 A Again it depends on who you are  
 9 referring to telling the individual not to file a  
 10 complaint.  
 11 Q If a faculty member says that he  
 12 should not file a complaint would that be considered  
 13 proper?  
 14 MS. QUAN: Objection.  
 15 A I would never advise a faculty  
 16 member to tell any individual that.  
 17 Q Why not?  
 18 A As I stated before, the federal --  
 19 the Department of Education has guidelines that we  
 20 must follow.  
 21 Q I'm going to show you what we  
 22 marked as Exhibit 32, this email exchange between you  
 23 and Dr. Ricanati. Do you remember Dr. Ricanati?  
 24 A I do.  
 25 Q Okay. And I want to first let you

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1 know -- I'm sorry -- direct your attention to your  
 2 email at 4:20 p.m. By the way, this is on Bates No.  
 3 412. You emailed Dr. Ricanati to let him know that  
 4 both students received their outcome letters. Why --  
 5 Why did you send him that email?  
 6 A I sent him that email so that they  
 7 can provide support for both students.  
 8 Q Okay. Did you believe that some  
 9 students would be upset by this outcome?  
 10 A I wouldn't know.  
 11 Q Do you have any reason to think  
 12 that other students at the medical school would be  
 13 upset by this outcome?  
 14 A I wouldn't know.  
 15 Q Is it fair to say that in the  
 16 months preceding this investigation Case Western  
 17 Reserve University had been criticized by students for  
 18 the manner in which it handled Title IX  
 19 investigations?  
 20 MS. QUAN: Objection.  
 21 A Yes.  
 22 Q There was an Instagram group,  
 23 CWRU Survivors, for example. Are you familiar with  
 24 that?  
 25 A I am.

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1 Q Okay. And what was the reaction of  
 2 the University to this pressure on it?  
 3 MS. QUAN: Objection.  
 4 A I honestly don't remember.  
 5 Q Do you remember if Jane Roe had  
 6 posted anything on the CWRU Survivors' Instagram page?  
 7 A I don't remember.  
 8 Q Do you remember if she had  
 9 discussed this matter with Dr. Ricanati?  
 10 MS. QUAN: Objection.  
 11 A Again I don't remember.  
 12 Q Do you remember if it was  
 13 Dr. Ricanati who originally made the report of the  
 14 allegations against John Noakes to the Equity Office?  
 15 A If my memory serves me correctly  
 16 Mr. Noakes reported it to the office first.  
 17 Q Okay. And then after that  
 18 Dr. Ricanati reported it?  
 19 A I don't remember, but maybe. I --  
 20 I don't know.  
 21 Q And then at some point there was a  
 22 decision made to investigate Jane Roe's allegations  
 23 before John Noakes; correct?  
 24 A I -- I really can't remember that  
 25 far back.

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1 Q Okay. Do you remember if when  
2 Dr. Ricanati reported it to the Equity Office he  
3 specifically referenced the CWRU Survivors' Instagram  
4 page?  
5 A Again I do not remember that far  
6 back.  
7 Q So did you have any conversations  
8 before April 15th with anyone in the medical school  
9 about this matter?  
10 MS. QUAN: Objection.  
11 A Could you be more specific when you  
12 mean "contact"?  
13 Q Sure.  
14 Did you have any conversations with  
15 any faculty at the medical school discussing the  
16 John Noakes/Jane Roe investigation?  
17 A I did not have a discussion with  
18 anyone in the medical school about the investigation.  
19 Q Did anyone indicate to you a  
20 preference in the medical school for how the  
21 investigation would turn out?  
22 A No.  
23 Q Are you aware of a policy at the  
24 medical school to independently review all Title IX  
25 investigations once the Office of Equity process is

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1 completed?  
2 A I am aware of a professionalism  
3 policy that covers any aspect of the University.  
4 Q Are you aware of a practice by the  
5 medical school of independently reviewing Title IX  
6 investigations after the equity process is completed?  
7 A Again I can only speak to my  
8 process. I know they have a professionalism policy  
9 that covers things at the University.  
10 Q So I'm -- I'm going to ask you a  
11 very specific question. I was told that there is an  
12 internal policy of the Committee on Students at the  
13 medical school to review all Title IX matters. Do you  
14 have any knowledge of that?  
15 A Again I am only aware of that -- of  
16 that committee that reviews all issues that come up  
17 with students.  
18 Q Do you know if they reviewed this  
19 matter?  
20 A I actually do not.  
21 Q Do you know if they ever reviewed  
22 any matters that you did?  
23 A I don't remember.  
24 Q Have you ever seen this policy?  
25 A I -- I honestly can't remember.

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1 I'm trying to be honest. I really don't remember.  
2 Q So on April 15th of 2021 it appears  
3 Dr. Ricanati asked you to call him. Did you do so?  
4 A That's what the email says, yes.  
5 Q Okay. Tell me everything you  
6 remember about that conversation?  
7 A I remember him just telling me that  
8 there was a message posted to the M1 GroupMe chat that  
9 students were upset about.  
10 Q How long was your conversation with  
11 Dr. Ricanati?  
12 A I really don't remember.  
13 Q What else did he tell you about?  
14 A That's pretty much what he shared  
15 with me that there was a post posted to the M1 GroupMe  
16 chat and students were upset about it.  
17 Q Did he tell you what precisely the  
18 students were upset about?  
19 A He told me -- He shared with me  
20 that students were upset by the changing of the name  
21 to 1-0.  
22 Q Did he indicate that he had been  
23 speaking with Jane Roe?  
24 A I don't remember.  
25 Q Did he indicate that she was upset?

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1 A I don't remember.  
2 Q Did you review the post in the  
3 GroupMe chat from John Noakes?  
4 A Yes.  
5 Q And -- And just real quick is there  
6 anywhere in the Case Western policy that requires  
7 students to keep the Title IX process confidential?  
8 A No.  
9 Q You as a school representative are  
10 required by FERPA to keep it confidential; right?  
11 A That would be correct.  
12 Q Okay. Does that apply to students  
13 as well?  
14 A Can -- Can you be more specific in  
15 your question?  
16 Q Yeah.  
17 I mean does the FERPA policy at the  
18 school restrict the ability of students to disclose  
19 information?  
20 A I -- I still -- I'm sorry. I still  
21 don't understand your question.  
22 Q Yeah, I'm -- I'm -- I'm asking a  
23 bad question. I apologize.  
24 Am -- Am I right in understanding  
25 that there's nothing -- no policy at Case Western that

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1 requires students to keep anything about the Title IX  
 2 process confidential; is that correct?  
 3 A That is correct.  
 4 Q So if the students wanted to post  
 5 on the Internet every piece of correspondence they got  
 6 from the Title IX Office they're permitted to do that;  
 7 aren't they?  
 8 MS. QUAN: Objection.  
 9 A They can.  
 10 Q They could take out an ad in the  
 11 Plain Dealer and publish the decision letter from the  
 12 office and there wouldn't be any rule against that  
 13 either; would there?  
 14 MS. QUAN: Objection.  
 15 A They could, but we always tell  
 16 students to use their discretion to make sure that  
 17 we're protecting their privacy.  
 18 Q Okay. But if they want to disclose  
 19 information they can do that; right?  
 20 MS. QUAN: Objection.  
 21 A Federal law says they can.  
 22 Q And if they have, you know,  
 23 information from their accuser that they got  
 24 independently of the investigation they could share  
 25 that with whoever they wanted to; couldn't they?

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1 MS. QUAN: Objection.  
 2 A If they -- If they wanted to.  
 3 Q No rule prohibits them from doing  
 4 that?  
 5 MS. QUAN: Objection.  
 6 A I think I answered that question  
 7 already.  
 8 Q So I think you indicated you  
 9 reviewed the GroupMe post from John Noakes?  
 10 A That is correct.  
 11 Q Okay. And this is the post that  
 12 you see on your screen that we have marked as  
 13 Exhibit 1, Bates No. 414?  
 14 A That's correct.  
 15 Q And do you have any concerns that  
 16 this post violated a policy at Case Western?  
 17 MS. QUAN: Objection.  
 18 A My concern was just to make sure  
 19 that the student was aware that the concern was  
 20 brought to my attention.  
 21 Q Okay. Let me ask you a more  
 22 specific question.  
 23 As you reviewed that post on  
 24 April 15th, 2021, did you believe it violated the  
 25 Case Western Reserve University Title IX policy?

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1 A Again I had no opinion at that  
 2 time.  
 3 Q Did you make a decision to call  
 4 John Noakes?  
 5 A Yes. I'm pretty sure you were  
 6 copied on that email.  
 7 Q Okay. Well, I'm asking you why did  
 8 you want to have a conversation with him?  
 9 A I wanted to have a conversation  
 10 with him to let him know that I received concerns that  
 11 students were upset at the School of Medicine.  
 12 Q And did you engage in that  
 13 conversation with him over Zoom?  
 14 A I engaged in that conversation with  
 15 you and his other advisor.  
 16 Q And him too; right?  
 17 A No. Actually Mr. Noakes turned off  
 18 his camera while he was in the car and he stated that  
 19 his advisors would be speaking for him.  
 20 Q Okay. But he was on the call  
 21 still, though; wasn't he?  
 22 A I can't say if he was or not. He  
 23 turned off his camera.  
 24 Q Okay. But he didn't log out of the  
 25 Zoom call?

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1 A I -- I -- I don't know.  
 2 Q So -- And do you remember during  
 3 that conversation being asked specifically what policy  
 4 at Case Western this post violated?  
 5 A I do.  
 6 Q And do you remember what your  
 7 answer was?  
 8 A Yes. I said to you and his advisor  
 9 that I was not calling to say there was a policy  
 10 violation. I was just calling to let him know that  
 11 concern was brought to my attention.  
 12 Q What else do you remember from the  
 13 conversation?  
 14 A I remember at that point you and  
 15 the advisor started asking me questions and telling me  
 16 I'm violating Mr. Noakes' religious rights when I  
 17 actually said I was not, I had no concern with what he  
 18 wrote in the post.  
 19 Q What else do you remember from that  
 20 conversation?  
 21 A At that point I do remember you and  
 22 the other advisor who was a female continuing to speak  
 23 over me. At that point in time you specifically said  
 24 you wanted to file a complaint against me and the  
 25 Office of Equity for retaliation against Mr. Noakes.

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1 Q What did you do next?

2 A At that point I said, "Okay," and

3 then at that point in time you and the advisor kept

4 yelling at me, "No. I want to know what you're going

5 to do right now. I want this retaliation complaint

6 filed." At that point I said, "I will let my

7 supervisor know," and I ended the call because both

8 you and the advisor were pretty much raising your

9 voices at me.

10 Q And so was a retaliation complaint

11 eventually filed?

12 A Yes, there was.

13 Q What's the process when a

14 retaliation complaint is filed?

15 A Once a retaliation complaint is

16 filed with my office I would assign investigators to

17 review it, but since the complaint was against me I

18 recused myself from the process.

19 Q Was the complaint also filed

20 against Dr. Ricanati?

21 A I -- I -- I don't know. I don't

22 remember.

23 Q What is the process in the office

24 for notifying people that a complaint has been filed

25 against them?

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1 A We send the notice out to let them

2 know that there is a complaint filed and help

3 understand their rights and let them know who the

4 investigators will be looking into the matter.

5 Q How soon is that notice usually

6 sent out?

7 A It depends on the situation.

8 Q Did you discuss your phone call

9 with Mr. Noakes and his advisors with anyone at the

10 medical school?

11 A I don't remember.

12 Q In particular did you call

13 Dr. Ricanati and describe to him what happened during

14 the phone call?

15 A I -- I really don't remember.

16 Q So it's possible you did?

17 MS. QUAN: Objection.

18 A Again I don't remember that far

19 back.

20 Q Did you ever tell Dr. Ricanati that

21 a retaliation complaint had been filed against you and

22 him?

23 A Again I -- I really don't remember

24 that far back.

25 Q Do you know if Dr. Ricanati was

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1 informed of the retaliation complaint that had been

2 filed against him?

3 A At that point I was recused.

4 Q How long does it usually take to

5 notify people that complaints have been filed against

6 them?

7 MS. QUAN: Objection.

8 A Again as I stated it depends on the

9 situation.

10 Q Well, I mean is it usually months,

11 days, weeks?

12 A We try to respond as quickly as

13 possible.

14 Q So let me show you what we marked

15 as Exhibit 4 which was a Class Survey that was

16 circulated about John Noakes. Have you ever seen this

17 document before?

18 A No.

19 Q Do you know if any -- anyone ever

20 brought this document to the attention of the

21 Title IX Office?

22 A Not to my knowledge.

23 Q Let me show you Exhibit 5, a

24 petition circulated about John Noakes. Did you ever

25 see this document?

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1 A No.

2 Q Do you know if anyone ever brought

3 this to your attention?

4 A No.

5 Q If a student is threatened with

6 potential discipline from the school for filing a

7 Title IX complaint would that be considered

8 retaliation?

9 MS. QUAN: Objection.

10 A Can you be more specific?

11 Q Sure.

12 If a student is told that they

13 would be reviewed for possible sanctions by their

14 school if they continued with a Title IX complaint

15 could that be considered retaliatory?

16 MS. QUAN: Objection.

17 A Again I can't answer that. It

18 depends on the details that are provided.

19 THE WITNESS: I'm sorry. Can I get

20 a drink of water real quick?

21 MR. ENGEL: Oh, yeah, yeah. Do you

22 need to take a couple minutes?

23 THE WITNESS: Yes. Thank you.

24 MR. ENGEL: Okay. We'll take five

25 minutes. Off the record.

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1 (Deposition stood in recess at  
2 2:48 p.m.)  
3 (Deposition reconvened at  
4 2:51 p.m.)  
5 BY MR. ENGEL:  
6 Q All right. Are students who are  
7 accused of misconduct, sexual misconduct, at  
8 Case Western innocent until proven guilty?  
9 MS. QUAN: Objection.  
10 A That's correct.  
11 Q Are students at Case Western  
12 University expected to have respect for the outcomes  
13 of the investigatory and adjudicatory process?  
14 MS. QUAN: Objection.  
15 A I can't speculate on that.  
16 Q Is respect for the process an  
17 important value?  
18 MS. QUAN: Objection.  
19 A Respect for any process is of  
20 value.  
21 Q Would it be appropriate for anyone  
22 to encourage students to file complaints against  
23 John Noakes because they were unhappy with the outcome  
24 of the equity process?  
25 A A student can file a complaint at

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1 their own wishes. I do not -- We do not control who,  
2 when, and why they file a complaint.  
3 Q Can complaints be retaliatory?  
4 MS. QUAN: Objection.  
5 A It's outlined in the Interim Sexual  
6 Harassment Policy we investigate all complaints. We  
7 do not automatically determine if something is done  
8 retaliatory.  
9 Q But it is possible that a complaint  
10 could be retaliatory; right?  
11 MS. QUAN: Objection.  
12 A If an investigation is done and  
13 that's the outcome, then, yes.  
14 Q And could encouraging students to  
15 file complaints -- a series of complaints be  
16 considered retaliatory?  
17 MS. QUAN: Objection.  
18 A Can you be a little bit more  
19 specific on that?  
20 Q Sure.  
21 Well, let me be real specific. Let  
22 me give you a situation. Suppose I was unhappy with  
23 the outcome of the process against John Noakes and I  
24 believed John Noakes was really guilty; okay? Would  
25 it be appropriate for me to encourage a bunch of my

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1 friends to file professionalism complaints against him  
2 in order to overturn that decision?  
3 MS. QUAN: Objection.  
4 A I still don't get your question.  
5 Q That's fine.  
6 A I'm sorry.  
7 Q No, you're fine. I asked a bad  
8 question. I'm not sure you're able to answer it  
9 anyway.  
10 Are you familiar with the medical  
11 school's professionalism process?  
12 A As I stated prior I'm aware that  
13 they have a professionalism process.  
14 MR. ENGEL: All right. I have no  
15 other questions for this witness. I  
16 appreciate your taking the time.  
17 MS. QUAN: I have no questions,  
18 Pam. We will read.  
19  
20 \_\_\_\_\_  
21 DARNELL PARKER, Ed.D.  
22 (DEPOSITION CONCLUDED AT 2:54 P.M.)  
23  
24 - - -  
25

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1 C E R T I F I C A T E  
2 STATE OF OHIO :  
3 COUNTY OF BUTLER : SS:  
4 I, Pamela L. Jackson, a duly qualified and  
5 commissioned notary public in and for the State of  
6 Ohio, do hereby certify that prior to the giving of  
7 his deposition, the within named DARNELL PARKER,  
8 Ed.D., was by me first duly sworn to testify to the  
9 truth, the whole truth, and nothing but the truth;  
10 that the foregoing pages constitute a true and correct  
11 transcript of testimony given at said time and place  
12 by said deponent; that said deposition was taken by me  
13 in stenotypy and transcribed under my supervision;  
14 that I am neither a relative of nor attorney for any  
15 of the parties to this litigation, nor relative of nor  
16 employee of any of their counsel, have no interest  
17 whatsoever in the result of this litigation, and am  
18 not, nor is the court reporting firm for which I am  
19 affiliated, under a contract as defined in Civil Rule  
20 28(D).  
21 IN WITNESS WHEREOF, I hereunto set my  
22 hand and official seal of office at Hamilton, Ohio,  
23 this 3rd day of December, 2021.  
24 Commission Expires: /s/Pamela L. Jackson  
25 11/17/2023 Pamela L. Jackson

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